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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,910	01/22/2004	John Housler	PGI6044P1241US	6144

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

LAMBELET, LAWRENCE EMILE

ART UNIT	PAPER NUMBER
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1732

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,910

Applicant(s)

HOUSLER ET AL.

Examiner

Lawrence Lambelet

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mullane (U.S. Patent 4,878,825).

Mullane discloses a method of debossing a plastic web reading on claims 1, 3, and 7. Mullane teaches a process wherein a web of plastic material is extruded onto a foraminous forming member. See lines 53-68 in column 18 and Fig. 15. Mullane further teaches that the forming member transfers a three-dimensional pattern onto the web, as required by claims 2 and 7. See lines 65-68 in column 18. Mullane still further teaches that a vacuum chamber positioned beneath the forming member provides a pressure differential to effect the transfer of the pattern and form apertures in the web, as required by claims 3 and 4. See lines 60-68 in column 18.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 1-2 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Faulkner et al (U.S. Patent 6,942,711)

Faulkner et al, hereinafter "Faulkner", discloses a method of forming a three-dimensional imaged structure reading on claims 1-2 and 7. Faulkner teaches a spunbond process supplying a molten polymer (nonwoven film) which is extruded onto a foraminous surface. See lines 40-50 in column 6. Faulkner further teaches that the foraminous surface is a three-dimensional image transfer device. See lines 55-62 in column 4 and 66-67 in column 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulkner as applied to claims 1-2 and 7 above, and further in view of Putnam et al (U.S. Patent 6,903,034).

Faulkner teaches the method of claims 1-2 and 7, as discussed above.

Faulkner teaches the molten polymer, the foraminous surface, and the extrusion of polymer onto the foraminous surface, as required by claims 3 and 5. Faulkner further teaches the three-dimensional image transfer device, as required by claim 8. See reference citations above.

Faulkner teaches the inclusion of a precursor web (support layer) of nonwoven material as a part of an entangled laminate structure, as required by claims 5-6, 8 and 10. See lines 63-68 in column 4 and 1-10 and 60-62 in column 5.

Faulkner does not teach a retention means and the imprint thereby of foramina, as required by claims 3, 5, 8 and 9, or vacuum as the retention means, as required by claims 4 and 9.

Putnam teaches a perforated (apertured) forming surface, such as a wire or drum. See lines 38-42 in column 1. Putnam further teaches drawing a vacuum through a support wire. See lines 22-25 in column 10. Putnam still further teaches the configuration of a forming drum having drain holes at the bottom of a pyramidal array in an embossed forming pattern. See lines 5-25 in column 12. It would have been obvious to one of ordinary skill that the taught vacuum would at once constitute a retention means and a forming means.

Faulkner and Putnam are combinable because they are concerned with a similar technical field, namely, hydroentangled webs. One of ordinary skill in the art at the time of the invention would have found it obvious to include the suction means as taught by Putnam in the method of Faulkner. The motivation to do so would have been to locate a dewatering means in the process. See lines 52-56 in column 3 of Faulkner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following document is cited to further show the state of the art with regard to 3-D imaged webs:

U.S. Patent Application Publication 2003/0143912 to Black et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Lambelet whose telephone number is 571-272-1713. The examiner can normally be reached on 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEL
12/20/2006


CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER
12/21/06